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November 22, 2024

BY E-FILEING

The Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Yipit, LLC v. Emmett*
Case No. 24 Civ. 07854 (JGK)

Dear Judge Koeltl:

We represent Defendant Alexander Pinsky ("Pinsky") in the above-referenced matter. Today we are filing documents opposing Plaintiff's request for a preliminary injunction. We write pursuant to Paragraph VI(A)(2) of the Court's Individual Practices and Paragraph 6 of the Stipulated Confidentiality Agreement and Protective Order entered on November 1, 2024 (Dkt. No. 44) to request that the Court accept certain of Pinsky's filings under seal.

Herewith, we are filing the following through the Court's ECF system in both redacted and proposed sealed form and request the following treatment:

- 1) Pinsky's Memorandum of Law in Opposition to Plaintiff's Motion for Preliminary Injunction
 - We redacted information from the document that the Plaintiff designated "HIGHLY CONFIDENTIAL" from the public version and request that the Court maintain the unredacted version (with the redactions highlighted) with a Viewing Level where only the Parties to this action may view the document – currently set not to include Defendant Zachary Emmett who is pro se.
- 2) Exhibits B and C to the Declaration of Blaine Bortnick
 - Plaintiff designated Exhibit B as "HIGHLY CONFIDENTIAL." Thus, Plaintiff requests that the Court seal the document in its entirety and maintain the Viewing Level where only the Parties to this action may

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view the document – currently set not to include Defendant Zachary Emmett who is pro se.

- Exhibit C would reveal the identity of one of Plaintiff's customers that the Plaintiff designated HIGHLY CONFIDENTIAL in numerous places on the docket. Thus, Plaintiff requests that the Court seal the document in its entirety and maintain the Viewing Level where only the Parties to this action may view the document – currently set not to include Defendant Zachary Emmett who is pro se.

3) The Declaration of Alexander Pinsky

- We redacted information in the main document that the Plaintiff has designated "HIGHLY CONFIDENTIAL" from the public version and request that the Court maintain the unredacted version (with the redactions highlighted) with a Viewing Level where only the Parties to this action may view the document – currently set not to include Defendant Zachary Emmett who is pro se.
- Plaintiff designated Exhibit C to Mr. Pinsky's Declaration "HIGHLY CONFIDENTIAL." Thus, Plaintiff requests that the Court seal the document in its entirety and maintain the Viewing Level where only the Parties to this action may view the document – currently set not to include Defendant Zachary Emmett who is pro se.

As such, we request the Court issue an order sealing the above-referenced documents. We take no position and leave it to the Court's discretion whether Mr. Emmett should be included in the Viewing Level.

Respectfully submitted,

RASCO KLOCK PEREZ & NIETO, LLC

By: 
Blaine Bortnick

cc: Counsel of Record (by ECF)
Defendant Zachary Emmett (by email)